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SAFEWAY INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEBRA HORN,
Plaintiff,
vs.
SAFEWAY INC. and Does 1-50,
Defendants.

Case No. 3:19-cv-02488-JCS

**DECLARATION OF MICHAEL VASQUEZ
IN SUPPORT OF DEFENDANT SAFEWAY
INC.'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Date: April 30, 2021
Time: 9:00 a.m.
Courtroom: Courtroom F, 15th Floor
Judge: Hon. Joseph C. Spero

Action Filed: March 11, 2019
Notice of Removal Filed: May 8, 2019
Trial Date: September 27, 2021

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1 I, MICHAEL VASQUEZ, declare:

2 1. From May 3, 2015 to August 26, 2017, I was employed by Defendant Safeway
 3 Inc. ("Safeway") as the Store Director for Store No. 1953 in Dublin, California (the "Dublin
 4 store"). I make this declaration in support of Safeway's Motion for Partial Summary Judgment.
 5 I make this declaration of my own personal knowledge and could testify competently thereto
 6 under oath if called as a witness.

7 2. During the period of time that I was the Store Director at the Dublin store, Ms.
 8 Horn was assigned to oversee the store's self-checkout station – an assignment that did not
 9 require her to constantly stand (nor actively checkout customers), although she was still assigned
 10 to work in a check stand from time to time as needed.

11 3. On April 7, 2017, I received a letter from an attorney retained by two customers of
 12 color who had visited the Dublin store. The letter complained about Ms. Horn's racial profiling
 13 of the customers, a false accusation of shoplifting and a false detention and demanded
 14 compensation for civil rights violations. I forward the letter to Asset Protection for investigation.

15 4. During this period of time (May 3, 2015 to August 26, 2017), I was not an officer
 16 or director of Safeway Inc. I also did not have the authority to make, modify and/or deviate from
 17 corporate policy. Rather, I implemented the company's directives that were set and established
 18 by others in a manner that complied with and was consistent with corporate policy. My job
 19 responsibilities included making sure that the policies created and established by others were
 20 followed. I also did not have the authority to terminate the employment of any employees.

21
 22 I declare under penalty of perjury under the laws of the State of California and the United
 23 States of America that the foregoing is true and correct.

24
 25 Executed this 25 day of February, 2021 in Turlock, California.

26
 27 

28 MICHAEL VASQUEZ